

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

JOHN C. MORGAN, M.D.Holder of License No. 25871
For the Practice of Medicine
In the State of Arizona.**Case No. MD-08-1289A****CONSENT AGREEMENT FOR
SURRENDER OF LICENSE****CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and John C. Morgan, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

1 5. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver,
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other
4 pending or future investigation, action or proceeding. The acceptance of this Consent
5 Agreement does not preclude any other agency, subdivision or officer of this State from
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject
7 of this Consent Agreement.

8 6. All admissions made by Respondent are solely for final disposition of this
9 matter and any subsequent related administrative proceedings or civil litigation involving
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended
11 or made for any other use, such as in the context of another state or federal government
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
13 any other state or federal court.

14 7. Upon signing this agreement, and returning this document (or a copy thereof) to
15 the Board's Executive Director, Respondent may not revoke the acceptance of the
16 Consent Agreement. Respondent may not make any modifications to the document. Any
17 modifications to this original document are ineffective and void unless mutually approved
18 by the parties.

19 8. If the Board does not adopt this Consent Agreement, Respondent will not
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes
21 bias, prejudice, prejudgment or other similar defense.

22 9. This Consent Agreement, once approved and signed, is a public record that will
23 be publicly disseminated as a formal action of the Board and will be reported to the
24 National Practitioner Data Bank and to the Arizona Medical Board's website.
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1 10. If any part of the Consent Agreement is later declared void or otherwise
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
3 force and effect.

4 11. Any violation of this Consent Agreement constitutes unprofessional conduct
5 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,
6 probation, consent agreement or stipulation issued or entered into by the board or its
7 executive director under this chapter") and 32-1451.

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10 _____
JOHN C. MORGAN, M.D.

Dated: 11/4/08

FINDINGS OF FACT

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2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 25871 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. On October 27, 2008, the Arizona Medical Board received a complaint from
7 a hospice care facility that Respondent engaged in inappropriate sexual contact with a
8 patient.

9 4. Based on the above complaint, on October 30, 2008, Respondent signed an
10 Interim Consent Agreement for Practice Restriction ("Practice Restriction") prohibiting him
11 from practicing clinical medicine or any medicine involving direct patient care, and
12 prohibiting from prescribing any form of treatment including prescription medications, until
13 he applies to the board and receives permission to do so. Respondent remains under the
14 Practice Restriction until this Order becomes effective.

15 5. Respondent admits that the Board has substantial evidence that, if accepted
16 by the finder of fact, would establish unprofessional conduct pursuant to A.R.S. § 32-1401
17 (27)(z) ("[e]ngaging in sexual conduct with a current patient or with a former patient within
18 six months after the last medical consultation unless the patient was the licensee's spouse
19 at the time of the contact or, immediately preceding the physician-patient relationship, was
20 in a dating or engagement relationship with licensee, for purposes of this subdivision,
21 "Sexual Conduct" includes: (i) Engaging in or soliciting sexual relationships, whether
22 consensual or nonconsensual. (ii) Making sexual advances, requesting sexual favors or
23 engaging in other verbal conduct or physical contact of a sexual nature. (iii) Intentionally
24 viewing a completely or partially disrobed patient in the course of treatment if the viewing
25 is not related to patient diagnosis or treatment under current practice standards.").

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2 **CONCLUSIONS OF LAW**

3 1. The Board possesses jurisdiction over the subject matter hereof and over
4 Respondent.

5 2. The Board possesses statutory authority to enter into a consent agreement
6 with a physician and accept the surrender of an active license from a physician who
7 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

8 **ORDER**

9 IT IS HEREBY ORDERED THAT License Number 25871, issued to John C.
10 Morgan, M.D. for the practice of allopathic medicine in the State of Arizona, is surrendered
11 and that John C. Morgan, M.D. immediately returns his wallet card and certificate of
12 licensure to the Board.

13 DATED and effective this 10th day of December, 2008.

14 ARIZONA MEDICAL BOARD



By:

Lisa S. Wynn
Lisa S. Wynn
Executive Director

20 ORIGINAL of the foregoing filed
this 10th day of December, 2008 with:

21 Arizona Medical Board
22 9545 E. Doubletree Ranch Road
23 Scottsdale, AZ 85258

24 EXECUTED COPY of the foregoing mailed
this 10th day of December, 2008 to:

25 Calvin Raup
Raup & Hergenroether PLLC

1 Two N. Central Ave.
2 Phoenix, AZ 85004-0001

3 EXECUTED COPY of the foregoing mailed
4 this 11th day of ALL, 2008 to:

5 John C. Morgan, M.D.
6 Address of Record

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8 Investigational Review
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